

EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

Scope of Policy

This rule sets the requirements for the development of safe and supportive schools that provide optimum learning conditions for both students and staff. Whereas safety and order is the foundation of a positive school climate/culture that supports student academic achievement and personal and social development, this rule also establishes disciplinary guidelines for student conduct that outline behaviors prohibited in West Virginia schools that must be consistently addressed in order to assure the orderly, safe, drug-free, violence- and harassment- free learning environment.

Purpose

The McDowell County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing, safe, orderly, and stimulating educational environment. The purpose of these regulations is to design and implement processes within all schools that will ensure orderly and safe learning environment that is conducive to learning. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

These regulations also set forth unacceptable behaviors that undermine a school's efforts to create a positive school climate and culture. These unacceptable behaviors are prohibited on all school property and school-sponsored events. These regulations also require that McDowell County Schools respond promptly and consistently to incidents of harassment, intimidation, bullying, substance abuse, and/or violence or other expected behavior violations in a manner that effectively deters future incidents and promotes respect for individuals. Any form of harassment, intimidation, bullying, substance abuse, violence, or other policy violations is unacceptable in McDowell County Schools.

Application

The expectations outlined in these regulations apply in McDowell County Schools during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by a McDowell County Board of Education. These expectations apply to students, staff, and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

- Students will be subject to the interventions and consequences as outlined in this policy.
- School staff will be subject to disciplinary and/or licensure action in accordance with West Virginia Code § 18A-2-8, §18A-3-2a, §18A-3-3, and §18A-3-6.
- Public guests in public schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.
- This policy does not supersede any rights granted to special education students by federal or state law or other West Virginia Board of Education Policy.

Guidelines for School Level Implementation

Each school shall review the social and emotional learning standards identified in West Virginia Board of Education Policy 4373 for the purpose of establishing a framework concerning the implementation of a school-wide approach to student behavior expectations. The social and emotional learning standards are not expected to be documented in individual teacher lesson plans but rather should serve as a framework for school-wide student behavior expectations as determined by each school faculty. A variety of models may be used to provide instruction in and opportunities to practice, apply and be recognized for social and emotional learning skills and support student skill development in the following areas: (1) **self-awareness and self-management**; (2) **social awareness and interpersonal skills**; (3) **decision-making skills and responsible behaviors**.

Social and emotional learning is addressed through West Virginia Board of Education (WVBE) policies such as:

- 2315-Guidance and Counseling
- West Virginia College- and Career- Readiness Standards for West Virginia Schools
 - 2520.4 Social Studies
 - 2520.5 Wellness Education
 - 2520.14 Technology and Computer Science
 - 2520.15 Pre-K Standards (Ages 3-5)
 - 2520.19 Dispositions and Standards for Student Success for Grades K-12

In accordance with the provisions of this policy, schools shall establish community partnerships that serve to provide the schools with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal (involving partner organization representative interaction with students) and informal. Formal partnerships between community service agencies must be approved by the board.

Each school shall develop and implement an ongoing expected behaviors awareness campaign for all students, staff, and parents/guardians.

The policy shall appear in the student and staff handbooks, and if no handbook is available, a copy will be distributed to all students, faculty, and staff. It will be made available to the public in written or electronic format.

Each school shall develop and implement training for students and staff on this policy and on means to effectively promote the goals of the policy.

Each school shall develop an implementation plan of county policy for expected behaviors in safe and supportive schools and shall include it within the individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate and culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders, including, but not limited to, parents, business leaders, community organizations, and state and local agencies. The plan should articulate and incorporate the partnerships supports and resources that are available to the school.

through the county's formal and informal partnership agreements, as well as through additional school level partnerships.

At a minimum, schools shall:

- Establish a leadership team (may be an existing team) to manage the design, monitoring, and improvement of school climate/culture.
- Establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents, and community.
- Develop school-wide priorities for Policy 4373.
- Analyze school climate/culture data annually.
- Make data-driven improvement decisions based on analysis of consistently tracked student behaviors.
- Implement programs/practices that promote youth asset development to support expected student behaviors, positive education, and health outcomes.
- Implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk for poor education and health outcomes.
- Develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships.
- Evaluate school climate/culture improvement processes and revise as needed.

Each school will review data annually to determine the effectiveness of their implementation plan.

This data review may include, but is not limited to, the following outcome and process data sets:

- Progress toward implementation plan goals and objectives
- Evidence of school climate/culture improvement efforts
- Required LSIC reports (West Virginia Code § 18-5A-2)
- Trend analysis from school climate/culture survey tools (as available)
- Summary data for incidents or inappropriate behavior and intervention responses to incidents
- Evaluation data from training and staff development provided by the county, RESA, and/or WVDE.

Safeguards to Protect the Safe and Supportive Environment in the Schools

It shall be the responsibility of school administration to implement provisions of the policy with specific regard to education, communication, and enforcement. No school or Board of Education property or school or county publication may be used for the advertisement of any tobacco or alcohol product.

In accordance with West Virginia Board of Education Policy 4321.1 Standards for School Nutrition, marketing of other foods and beverages in the high school setting shall be minimized by locating their distribution in low student traffic areas and by ensuring that the exterior of vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.

All groups using school facilities shall sign agreements with the Board of Education agreeing to comply with the environmental safeguards set forth in this policy. Students, parents, and public will

be informed by public address systems that this policy remains in force on evenings, weekends, and any other time that school is not in session.

Partnerships

In the event the Board of Education enters into partnerships with community service agencies for the purpose of providing the county schools with additional supports and resources to shape behaviors in safe and supportive schools that involve partner organization representative interaction with students on school property, during the school day or on behalf of the school system, memoranda of understanding and/or contracts shall be required. These instruments shall clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations, and resource sharing (i.e., funding, space, staff, or data).

Severability

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

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McDowell County Schools Manual for Expected Behavior in Safe and Supportive Schools

Introduction

The McDowell County Schools Manual for Expected Behavior in Safe and Supportive Schools contains guidance for procedures to create and support positive school climate and culture improvement processes that will ensure an orderly and safe environment conducive to teaching and learning.

Chapter 1. Student Protections

School officials are responsible for student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to his/her designated bus stop. It is a student's responsibility to follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

Student Inquiry and Expression

Schools may not conduct, sponsor, or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up such work in accordance with the county policy and procedures.

Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially or substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools shall limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off-campus conduct that would reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or a staff member.

Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

School-sponsored student publications that are a part of the curriculum are subject to teacher editorial control and therefore may be regulated in a manner reasonably related to educational purposes.

Non-Curriculum Related Student Groups

When high schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this meeting is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are voluntary, monitored by the school, and do not interfere with the conduct of school activities.

Protection from Unreasonable Searches and Self-Incrimination

Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of the lockers or students by school officials must be reasonable and based upon the information known by them at the time of the search. Personal property may be searched by those authorized where there is reasonable suspicion to believe that student's property contains stolen articles, illegal items, or other contraband as defined by law or McDowell County Schools policy.

Car Searches- a student's car, while on school property, is subject to search by a teacher or other school official if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness.

Locker Searches- a student's locker may be searched if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness. Furthermore, by accepting a locker, a student shall be deemed to have consented to the period inspection thereof. The school principal shall retain keys to all lockers in order to conduct such inspections.

Canine Assisted Locker/Facility Inspections- school principals are authorized to arrange for the use of canines that have been trained in the detection of unlawful drugs or explosives to assist in periodic inspections of student lockers, other facilities areas, or grounds. Any unlawful drugs or explosives that are discovered as a result of a canine assisted inspection may serve as a basis for student disciplinary action under the terms of this policy. Only with the specific permission of the Superintendent may canines be used to conduct random searches of students.

Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. The students are entitled to be informed of their right against self-incrimination if they are in a custodial setting. In other words, the students are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or School Resource Officers (SROs) acting under the supervision of school officials who are investigating school-related misconduct.

Child Abuse and Neglect Prevention

Mandatory reporters, such as teachers, school personnel, counselors, nurses, coaches, or volunteers who provide organized activities for children, or other professionals within a schools who suspect that a student is being abused or neglected, shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources (DHHR). Mandatory reporters shall also inform their immediate supervisor immediately following and not more than 24 hours after reporting suspected abuse or neglect to DHHR. In any case, where the reporter believes that the child suffered serious physical abuse, sexual abuse, or sexual assault, the reporter shall immediately report same to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.

Mandatory reports who are also staff or volunteers of an entity or organization that provides services to a school or otherwise organizes activities at a school or on school premises, must immediately notify the person in charge of the entity or organization providing services or activities to a school. The mandatory reporter must follow any additional reporting requirements established by such entity or organization.

In determining whether conduct falls within the exception to the mandatory reporting requirement, mandatory reporters are encouraged to err on the side of caution and report the conduct within the mandatory reporting time frame.

State law (§49-2-802) contains criminal penalties for failure to meet the reporting requirements outlined in this section.

Age-Appropriate Body Safety Information

Beginning July 1, 2019, children in grades K-12 shall receive body age-appropriate safety information at least once per academic school year, with a preference for four times per academic year, addressing education and prevention of sexual abuse in children.

The schools will be able to use resources and guidance from the WVDE implement the following:

- Developmentally appropriate educational resources;
- Social media usage and content;
- Best practices;
- Strategies for dealing with disclosures of sexual abuse;
- Processes to include community shareholders and inclusion of family voice; and
- Offender dynamics and child-on-child scenarios.

Preventing Child Sexual Abuse

McDowell County Schools, effective July 1, 2019, will provide a required annual Preventing Child Sexual Abuse (PCSA) training for all school employees focusing on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect.

Chapter 2. Inappropriate Behavior and Meaningful Interventions and Consequences

Student Behavior Expectations

All students enrolled in McDowell County Schools shall behave in a manner that promotes a school environment that is safe, orderly, and conducive to learning and social and emotional well-being.

Students will help create an atmosphere free from bullying, intimidation, and harassment.

Students will treat others with respect, deal peacefully with anger, and remain considerate of the feelings of others.

Inappropriate Behavior Levels and Meaningful Interventions and Consequences

In order to provide an orderly and safe environment that is conducive to learning in schools, this policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse, and/or violence. All interventions and consequences are in effect on all school property and all school-sanctioned events and are intended for students to learn and exhibit appropriate behavior. McDowell County Schools, with support from WVDE and RESA-I, will implement proactive, preventative, and responsive programs; outline investigatory and reporting procedures; and delineate meaningful interventions and consequences in response to inappropriate behavior.

This policy classifies inappropriate student behavior in four levels. Level 1, 2, and 3 inappropriate behaviors may be reclassified based on the severity or repetition of the behaviors provided that this reclassification assures that the treatment of the inappropriate behaviors is consistent with West Virginia Code.

Level 1: Minimally Disruptive Behaviors disrupt the educational process and the orderly operations of the school but do not pose a direct danger to self or others.

Level 2: Disruptive and Potentially Harmful Behaviors disrupt the educational process and/or pose potential harm, danger, or educational detriment to self and/or property. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

Level 3: Severely Disruptive, Imminently Dangerous, Illegal and/or Aggressive Behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property. Specific Level 3 behaviors are outlined in W.Va. Code §18A-5-1a (c) and the principal shall address these inappropriate behaviors accordingly.

Level 4: Safe School Act Behaviors are defined in W. Va. Code §18A-5-1 and §18A-5-1a. These laws require that the principal, county superintendent, and county board of education address Level 4 behaviors in a specific manner as outlined in W. Va Code §18A-5-1a and paraphrased in this section.

W. Va. Code §18A-5-1 and §18A-5-1a require mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for possession of a deadly weapon, battery on a school employee, or sale of a narcotic drug (see Appendix A for Level 4 Behavior Descriptions).

Use of Physical Punishment Prohibited

West Virginia Code prohibits school employees from using corporal (bodily) punishment on any student. No physical punishment of any kind can be inflicted upon a student. This includes:

- Hitting or striking a student on their physical person;
- Requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- Use of noxious stimuli (e.g. pepper spray), denial of food or water, or other negative physical actions to control behavior; and
- Seclusion- a removal in which a student is left unsupervised in any space as an intervention or consequence to inappropriate behavior.

Use of Restraint

Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, the following guidelines must be followed:

Definitions

Restraint- the use of physical force to significantly restrict the free movement of all or a portion of a student's body.

Emergency- a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

A school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:

- Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- Restraint shall be discontinued at the point at which the emergency no longer exists.
- Restraint shall be implemented in such a way as to protect the health and safety of the students and others.
- Restraint shall not deprive the student of basic human necessities.
- Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited. However, the application of the mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

Restraint Training

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

- A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint.
- Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur.
- Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
- All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports.

Documentation of Use of Restraint

Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers, and /or independent contractors shall implement the following documentation requirements:

- Immediately following the use of restraint (within one hour)- The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
- Same day- A good faith effort shall be made to verbally notify the parents/guardians regarding the use of restraint.
- Within one school day- Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
- Within one school day- Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or creation or revision of a behavior intervention plan.

Written notification to the parents/guardians and documentation to the student official school record shall include the following:

- Name of the student;
- Name of the staff member(s) administering the restraint;
- Date of the restraint and the time the restraint began and ended;
- Location of the restraint;
- Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint, and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- Documentation of all parental contact and notification efforts.

Collaboration with Law Enforcement

Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest of search, or if their assistance has been requested by school officials. It is the duty of the school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

School Resource Officers (SRO): SRO are certified police officers, working as fulltime officers who have been assigned to work fulltime within a public school during the school year. The SRO duties, salary, and other conditions should be determined through an agreement with the county board of education and the SRO's authorized police department. The principal is the SRO's immediate supervisor while the officer is present in the school. There may be a time when, during the course an SRO's duties, the officer's position as a law enforcement officer would take precedence.

Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police or by the school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. The police officer is responsible for determining if the student's parents or guardians, or a lawyer should be contacted prior to questioning. West Virginia Code §49-5-2 specifies that statement made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present; such statement made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyer is present or a parent is present and the parent has been informed of the student's rights. The police officer shall determine when the use of restraints is necessary during such questioning to control any unruly student to prevent the student from harming him/herself or others.

Chapter 3. Procedures for Addressing Allegations of Inappropriate Behavior

Complaint Procedures

School employees are responsible for assuring a safe and supportive school climate and culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be addressed consistently as outlined in this policy.

All violations of the student behavior expectations observed by school employees or by students must be reported to the principal or assistant principal for appropriate action to be taken as specified in this policy. For complaint procedures in regard to harassment and discrimination, consult McDowell County Policy xx Harassment/Discrimination: Students/Employees. Failure on the part of an employee to report a violation of this policy may be addressed by way of West Virginia Board of Education Policy 5310, W.Va Code § 126CSR142 (Performance Evaluation of School Personnel) or the evaluation of service personnel. The Superintendent may also recommend such disciplinary action as may be deemed appropriate, up to and including

termination, for failure by an employee to report and take appropriate action for violations of this policy.

Any person who believes he or she has been the victim of a violation of the student code of conduct or any person with knowledge or belief of conduct that may constitute a violation of Student Behavior Expectations may report the alleged acts immediately to the principal or assistant principal. Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, to the West Virginia Human Rights Commission, or to a law enforcement agency.

Investigation Procedures

The principal or assistant principal shall, upon receipt of a report or complaint, as soon as practical undertake or authorize an investigation. The investigation may be conducted by school/school system officials. For investigation procedures in regard to harassment and discrimination, consult McDowell County Policy XX Harassment/Discrimination: Students/Employees.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. When any student is to be interviewed in connection with an investigation pursuant to a Level 4 violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview, provided that such parental notification would not compromise the investigation or school/student safety. Parental notification is encouraged at Levels 2 and 3 and discretionary at Level 1.

The principal shall immediately take such reasonable steps as necessary to protect the complainant, students, teachers, administrators, or other personnel pending completion of an investigation of an alleged policy violation.

The principal shall determine whether the alleged conduct constitutes a violation of this policy. In determining the appropriate response and/or punishment for a Level 1, 2, or 3 violations, the principal and the superintendent should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The investigation will be completed as soon as practicable but no later than ten school days following the reported violation. Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be provided information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected, and violations of such confidentiality may itself be grounds for disciplinary action.

Chapter 4. Procedures for Taking Action on Substantiated Inappropriate Behaviors

Interventions and Consequences of Inappropriate Behavior

This policy identifies appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional materials and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 and 2 behaviors. However, the determination of interventions and consequences is at the discretion of the school administrator with input considered from teachers/services personnel, for levels 1, 2, and 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Specific Level 3 behaviors mentioned in code are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

In order to create consistency among all schools in the application of out-of-school suspension and expulsion as they relate to inter-scholastic extracurricular activities, any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, WVDE Policy 2419, and/or Section 504.

Guidelines for Specific Responses to Inappropriate Behavior

Exclusion: According to W.Va Code §18A-5-1, a teacher or a bus driver may exclude from a classroom or bus any student who displays one or more of the inappropriate behaviors outlined in this policy. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal or a designee provides written certification to the teachers that the student may be readmitted and specifies the type of disciplinary action, if any, was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom or bus discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher, and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for

the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in WVBE Policy 4336- West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion. The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

Suspension: The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days.

Suspension typically takes one of two forms:

- In-school suspension: Instances, in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school. Such as an alternative school, provided the student remains in direct supervision of school personnel.
- Out-of-school suspension: Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to W.Va. Code §18A-5-1a (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is 10 days or less, as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension.

A student is entitled to an informal hearing when faced with an out-of-school suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the students must be given the opportunity to present reasons why she or he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in West Virginia Code §18A-5-1 and §18A-5-1a and include these requirements:

- Parent(s)/guardian(s) must be notified promptly in all cases of suspension.
- The county superintendent of schools or designee must be notified and preferably in writing of the time and conditions pertaining to the suspension.
- A student that is suspended from school may not participate in any school-sponsored activities and is not permitted on school grounds during the period of suspension.
- A student may not be suspended from school solely for not attending class.

An out-of-school suspension of more than ten (10) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in W.Va. Code §18A-5-1 and §18A-5-1a and include:

- Parent(s)/guardian(s) must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based.
- Upon the student's/parent's/guardian's request, a formal hearing must be scheduled before the county board of education.
- Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel.
- Students are entitled to be given reasonable time to prepare for the hearing.

Expulsion: The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

W.Va. Code §18A-5-1 and §18A-5-1a requires mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion include:

- The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student.
- The county board of education must hold a hearing regarding the recommended expulsion.
- The student and parent(s)/guardian(s) must be given a written notice of the time and place of the board of education hearing at which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.
- The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges.
- The student has the right to be represented by an attorney at the hearing at his or her own expense.
- The student has the right to present witnesses on their behalf, to hear the testimony against them, and to question the witnesses against them.
- If the board of education decides that the charges against a student do not warrant his or her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.
- In all expulsion hearings, fact shall be found by a preponderance of evidence.
- Expulsion by the board of education is final. However, if a student or parent/guardian believes that the student was not given procedures due process, they may appeal to the State Superintendent of Schools. If the state superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

Considerations for Transferring Students with Expulsions

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently residing within the county, will not be denied enrollment in McDowell County Schools unless determined to be a “dangerous student” under the procedures set forth in W. Va. Code §18A-5-1a. County superintendent or designee will determine the appropriate educational placement, including alternative education services, for these students.

Alternative Education for Disruptive Students

The guidelines applying to alternative education for disruptive students are addressed in McDowell County Policy 6-002 **Alternative Delivery of Education Programs**.

Action and Reporting

Upon receipt of a report substantiated by staff observations or by the investigation, the principal and the superintendent will take appropriate action against those found to have violated this policy pursuant W.Va Code §18A-1-1 and §18A-5-1a. The principal, superintendent or designee shall as soon as practical enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the expected behaviors at school.

It is essential that schools accurately track incidents or inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with a platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county levels and is necessary for development and monitoring of Policy 4373 implementation plans. Therefore, all inappropriate behaviors as described in **Inappropriate Behaviors: Codes, Definitions, and Interventions and Consequences** section of this policy, Levels 1, 2, 3, and 4 shall be reported through the following guidelines:

- Teacher level documentation shall include inappropriate behavior leading to interventions, consequences, and/or referrals to the principal.
- Principal level WVEIS data entry shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.
- Superintendent level WVEIS data entry shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported in WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

Conflict Resolution Process

If someone believes that a county board of education has violated the procedures rights set forth in this policy, the person may follow the appeal procedures outlined in W.Va. 1226CSR188, WVBE Policy 7211 Conflict Resolution Process for Citizens, and McDowell County Schools Policy 10-005 Citizens' Appeal. The procedures set forth in this policy are not deemed to be a precondition to seeking relief in some other forum, nor do they address personal complaints against a school employee.

Reprisal

It shall be a violation of this policy for any student to retaliate against any person who is involved in any disciplinary action against any student. The principal shall take appropriate action such as in-school suspension, out of school suspension, referral to school SAT for possible placement in alternative setting, or expulsion against any student who retaliates against any person who reports alleged violations or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

It shall also be a violation of this policy to file a false report concerning a violation of this policy. The principal will take appropriate action against any student, administrator, or other school personnel who falsely reports violations of this policy.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action, or seeking redress under the state criminal statutes and/or federal law.

Dissemination of Policy and Training

This policy or a summary shall be conspicuously posted throughout each county's/school/s facilities in areas accessible to students and staff members, such as classrooms, offices, and common areas. This policy, or a summary, shall appear in the student handbook, and if no handbook is available, a copy will be distributed by school personnel to all students, faculty, staff, and parents. A copy of this policy may also be obtained through McDowell County Schools' website.

At the beginning of each school year, all students and their parents shall be provided with copies of a school's student behavior expectations. Students who transfer into a school during the course of a school year and their parents shall also be provided with copies of a school's student behavior expectations.

Training for students and staff on these regulations and on means for effectively promoting the goals of this policy will be developed and implemented collaboratively, with input from all stakeholders, including but not limited to, parents, community members, and state and local

agencies. The training will be accomplished through discussions in classrooms and/or at grade level large group meetings held at the beginning of the school year to raise the awareness of different types of student behavior expectation violations and how they are manifested, their emotional, social, behavioral, and educational consequences. Each year, students shall be required to sign a statement acknowledging that they have read the expectations for student behavior or have it read to them and that they understand the behavior expectations and the consequences of a violation.

Adopted: October 17, 2016

Revised: August 19, 2019

Reference: W.Va. 126CSR99, WVBE Policy 4373

Appendix A: Behaviors and Definitions

| Behaviors | Definitions |
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| Battery Against a Student | Injuring another student unlawfully and intentionally |
| Cheating | Plagiarizing or copying the work of others or breaking rules to gain advantage in a competitive situation. Interventions could result in academic sanctions. |
| Defacing School Property | Defacing or damaging school property or property of others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulleting boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary. |
| Deceit | Deliberately concealing or misrepresenting the truth, deceiving another, or causing another to be deceived by false or misleading information. |
| Disruptive/Disrespectful Conduct | Exhibiting behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered, and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson or has to stop instruction to address the disruption. |
| Failure to Serve Detention | Failing to serve an assigned detention of which student and/or parent or guardian have been notified. |
| False Fire Alarm | Setting off a fire alarm knowingly and willingly without cause. |
| Falsifying Identify | Providing false identification to any school official with intent to deceive school personnel or falsely obtain money or property. |
| Fraud/Forgery | Deceiving another or causing another to be deceived by false or misleading information or signing the name of another person in order to obtain anything of value or defraud authorities. |
| Gambling | Engaging in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions. |
| Gang-Related Activity | Using violence, force, coercion, threat of violence or gang activity that causes disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the |

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| | <p>general community order, and/or interfere with the school district's educational mission.</p> <p>Gang activity includes:</p> <ul style="list-style-type: none"> • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member or otherwise symbolizes support of a gang. • Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs. |
| <p>Habitual Violation of School Rules or Policies.</p> | <p>Persistently refusing to obey the reasonable and proper orders or directions of school employees, school rules, or policies. Student must have had one or more previous discipline referrals.</p> |
| <p>Harassment/Bullying/Intimidation</p> | <p>According to West Virginia Code §18-2C-2, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> • A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property; • Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or • Disrupts or interferes with the orderly operation of the school. <p>An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following</p> |

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| <p>Sexual Harassment</p> | <p>list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.</p> <p>When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p> <p>Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:</p> <ul style="list-style-type: none"> • submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or • submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or • creating an intimidating, hostile or offensive employment or educational environment. <p>Amorous relationships between county board employees and students are prohibited.</p> <p>Sexual harassment may include but is not limited to:</p> <ul style="list-style-type: none"> • verbal harassment of a sexual nature or abuse; • pressure for sexual activity; • inappropriate or unwelcome patting, pinching or physical contact; • sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status; • behavior, verbal or written words or symbols directed at an individual because of gender; or • the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that |
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| <p>Racial Harassment</p> | <p>student's full enjoyment of educational benefits, climate/culture or opportunities.</p> <p>Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:</p> <ul style="list-style-type: none"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. |
| <p>Religious/Ethnic Harassment</p> | <p>Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:</p> <ul style="list-style-type: none"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. |
| <p>Sexual Violence</p> | <p>Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p> <ul style="list-style-type: none"> • touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; • coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; • coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or • threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another. • threatening or forcing exposure of intimate apparel or body parts by removal of clothing. |
| <p>Racial Violence</p> | <p>Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p> |

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| Hazing | Hazing or conspiring to engage in the hazing of another person. Hazing means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities. |
| Imitation Drugs: Possession, Use, Distribution, or Sale | Possessing, using, distributing, or selling any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance. |
| Improper or Negligent Operation of a Motor Vehicle | Operating a motor vehicle intentionally and recklessly on the grounds of any educational facility, parking lot, or at any school-sponsored activity, which endangers the safety, health, or welfare of others. |
| Inappropriate Appearance | Dressing or grooming in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. Distractive or indecent dress that interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy. |
| Inappropriate Display of Affection | Engaging in inappropriate displays of intimate affection, such as kissing or embracing. |
| Inappropriate Language | Using profanity in general context whether verbally or in writing, with or without photographs or drawings (not directed toward any individual or group). |
| Inhalant Abuse | Deliberately inhaling or sniffing common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging. |
| Insubordination | Ignoring or refusing to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct. |
| Larceny | Taking another person's property or having another person's property in his/her possession without permission. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with W. Va. Code §61-3-13. |

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| Leaving School without Permission | Leaving the school building, campus, or school activity without permission from authorized school personnel. |
| Physical Fight without Injury | Engaging in a physical altercation using blows with intent to harm or overpower another person or persons. |
| Possession of Imitation Weapon | Possesses any object fashioned to imitate or look like a weapon. |
| Possession of Inappropriate Personal Property | Possessing personal property that is prohibited by school rules or that is disruptive to teaching and learning. |
| Possession of Knife not meeting dangerous weapon definition (W. Va. Code §61-7-2) | Possessing a knife or knife-like implement under 3 ½ inches in length. W. Va. Code §61-7-2 clarifies that a pocket knife with a blade of 3 ½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term knife as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. |
| Profane language/Obscene Gesture/Indecent Act Toward an Employee or a Student | Directing profane language, obscene gestures, or indecent acts towards a school employee or a fellow student. That includes but is not limited to verbal, written, electronic, and/or illustrative communications intended to offend and/or humiliate. |
| Sexual Misconduct | Exposing himself/herself publicly and indecently, displaying or transmitting any drawing or photograph or a sexual nature on school property, on a school bus, or at a school-sponsored event. |
| Skiping Class | Failing to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent or guardian. W. Va. Code 126CSR81, WVBE policy 4110. |
| Tardiness | Failing to be in his/her place of instruction at the assigned time without a valid excuse. |
| Technology Misuse | Violating W. Va. 126CSR41, WVBE Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet. |
| Threat of Injury/Assault against an employee/student | Threatening (verbal or written) or attempting to injure another student, teacher, administrator, or other school personnel. This includes assault on a school employee designed in W. Va. Code §61-2-15. |
| Trespassing | Entering the premises of county school system property, other than the assigned time and the location without authorization from proper school authorities. |
| Vehicle Parking Violation | Engaging in improper parking of a motor vehicle on school property. |

Appendix B: Level 4 Behaviors

| Behaviors | Definitions – Level 4 |
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| | <p>LEVEL 4: Safe Schools Act Behaviors are defined in W. Va. Code §18-5-1 and §18-5-1a. These laws require that the principal, superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a.</p> |
| Battery Against a School Employee | <p>A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or causing physical harm to a school employee as outlined in W. Va. Code §61-2-15b. A student who violated this code section will be suspended and expelled.</p> |
| Felony | <p>A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code §61-3-1), malicious wounding and unlawful wounding (West Virginia Code §61-2-9), bomb threat (West Virginia Code §61-6-17), sexual assault (West Virginia Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code §61-6-24) and grand larceny (West Virginia Code §61-3-13). The principal shall suspend a student from school or from transportation if the principal determines the student committed an act or engaged in conduct that would constitute a felony. If a student is suspended, the principal may request that the superintendent recommend to the board the student be expelled.</p> |
| Illegal Substance Related Behaviors | <p>A student will not sell or distribute a narcotic drug as defined in W. Va. Code §60A-1-101 on the premises of an educational facility, at a school-sponsored function, or on a school bus. A student guilty of this behavior shall be suspended and expelled.</p> <p>A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, and instances of prescription drug abuse. The principal shall suspend a student from school or from transportation for possession of a controlled substance governed by the Uniform Controlled Substance Act. The principal determines consequences for other violations listed herein.</p> |
| Possession and/or Use of Dangerous Weapon | <p>According to West Virginia Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in West Virginia Code §61-7-2, on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code §61-7-11a.</p> <p>As defined in West Virginia Code §61-7-2, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening</p> |

| Behaviors | Definitions – Level 4 |
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| | <p>manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. The student shall be suspended and expelled for violating W.Va. Code §61-7-11a.</p> |

Appendix C: Sample Interventions

| Level 1 Sample Interventions |
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| Break, moving position in class |
| Send student on errand |
| Avoid power struggles |
| Call parent or send a note home (including positive notes) |
| Acknowledge positive behavior |
| Praise student frequently |
| Praise when cooperative and well behaved |
| Praise when good attitude and involvement occur |
| Praise when on task |
| Use school-identified rewards and incentives |
| Alternative modes of completing assignments |
| Alternate Seating |
| Assign a classroom job |
| Break down assignment |
| Break down directions |
| Use clear and concise directions |
| Level 2 Sample Interventions |
| Behavior Contract |
| Behavior Intervention Plan (BIP) |
| Structured breaks |
| Check In/Check Out |
| Counselor Referral |
| Daily Behavior Form |
| Functional Behavior Assessment (FBA) |
| Mentoring |
| Non-verbal cues and signals |
| Peer tutoring |
| School-identified rewards and incentives |
| Self-monitoring |
| Teaching conflict-resolution skills |
| Teaching coping skills |
| Teaching relationship skills |
| Teaching relaxation techniques |
| Teaching social skills |
| Referral to Student Assistance Team (SAT) |
| Change in the student's class schedule, locker assignment, or seat assignment |
| Level 3 Sample Interventions |
| Behavior Contract |
| Behavior Intervention Plan (BIP) |
| Behavior Meeting |
| Structured Breaks |
| Check In/Check Out |

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| Collaboration with the Student's Mental Health Provider |
| Counselor Referral |
| Daily Behavior Form |
| Functional Behavior Assessment (FBA) |
| Mentoring |
| Non-verbal cues and signals |
| Peer Tutoring |
| School-identified rewards and incentives |
| Sensory Tools |
| Social Stories |
| Teaching conflict-resolution skills |
| Teaching coping skills |
| Teaching relationship skills |
| Teaching relaxation techniques |
| Teaching social skills |
| Referral to Student Assistance Team (SAT) |
| Change in the student's class schedule, locker assignment, or seat assignment |

Points for Consideration:

W.Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.

The selection of appropriate interventions for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent or guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

Appendix D: Sample Consequences

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| Administrator/student conference or reprimand |
| Administrator and teacher- parent/guardian conference |
| School service assignment |
| Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced, if cheating did not occur on the earned grades and credits |
| Confiscation of inappropriate item |
| Revocation of privileges |
| Detention (lunch, before and/or after school) |
| Denial of participation in class and/or school activities |
| Restitution/restoration |
| Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (W. Va. Code §18A-5-1) |
| Voluntary weekend detention (State Superintendent of Schools' Interpretation of May 12, 2006) |
| In-school suspension |
| Out of school suspension with a recommended maximum 3 days (while not recommended for Level 1 inappropriate behavior, if used at the discretion of the school administrator, this consequence should not exceed 3 days) |
| Out of school suspension with a recommended maximum of 5 days. W. Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class. |
| Out of school suspensions for up to 10 days (See guidelines in W. Va. Code §18A-5-1(d). |
| Alternative placement recommendation by principal or superintendent |
| Expulsion (See guidelines in W. Va. Code §18A-5-1(d). |
| Law enforcement notification, if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention. |

Points for Consideration:

Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but be limited to removal from school property and school-sponsored functions, notification of law enforcement, and/or human services.

The selection of appropriate consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent or guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.